



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

Senate: COM DP 7-0-0-0 | 3<sup>rd</sup> Read 29-0-1-0  
House: HHS DPA/SE 5-4-0-0

## **SB 1278: housing trust fund; rural areas**

**S/E: state preemption; appliances; restrictions; prohibitions**

**Sponsor: Senator Shamp, LD 29**

**Caucus & COW**

### **Overview**

Forbids municipalities and counties from prohibiting or imposing fines that restrict the manufacturing, selling or ownership of an appliance that uses the services of a utility provider.

### **History**

#### ***Limits on County and Municipal Regulation of Utility Services***

[Laws 2020, Chapter 3](#) pre-empted the ability for counties and municipalities to deny a building permit application based on the utility provider that would service a project. Counties and municipalities could not adopt any building permit requirements or fees that restrict an applicant's ability to use a utility provider that is authorized to provide utility service. Additionally, this law required a municipality's or county's code, ordinance, land use regulation or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision to preserve a person's or entity's ability to use a utility provider that is authorized to provide services. Finally, this law prohibited counties and municipalities from imposing a fine, penalty, or other requirement that has the effect of restricting a utility provider's authority to operate or serve customers (A.R.S. §§ [9-810](#) and [11-867](#)).

#### ***Statutory Requirements for Gas Appliances***

The Arizona Corporation Commission (ACC) exercises limited oversight over residential gas appliances. A *gas appliance* is any new residential-type furnace, air conditioner, heater, refrigerator, stove, range, dishwasher, dryer, decorative fireplace log or other similar device, except a water heater, which uses a gaseous fuel for operation and is automatically ignited. No new residential-type gas appliance that is equipped with a pilot light can be sold or installed in the state after an alternate means has been certified by the ACC. This prohibition becomes operative 24 months after intermittent ignition devices have been demonstrated and certified by the ACC as an alternate means. The ACC may determine, after demonstration, that there is no feasible alternate means to the use of a pilot light or that the use of a pilot light is necessary for public health and safety ([A.R.S. Title 40, Chapter 7](#)).

### **Provisions**

1. Declares that the customer's right to own and operate appliances that utilize a utility provider's services is a matter of statewide concern and that a person's or entity's right to own and operate appliances which use a utility provider's services is not subject to further regulation by a county or municipality. (Sec. 1, 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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2. Forbids counties and municipalities from adopting any provision or part of a code, ordinance, land use regulation, general or specific plan that prohibits the manufacture, sale or ownership of an appliance that uses the services of a utility provider. (Sec. 1, 2)
3. Prohibits municipalities and counties from imposing a fine, penalty, or other requirement that has the effect of restricting the manufacturing, selling or ownership of an appliance that uses the services of a utility provider. (Sec. 1, 2)
4. Defines *appliance* as a stove, range, air conditioner, furnace, heater, refrigerator, dishwasher, dryer, fireplace, grill or other appliance that is designed to use a service of a utility provider and that complies with the statutory gas appliance requirements. (Sec. 1, 2)
5. Makes conforming changes. (Sec. 1, 2)